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Foreword

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FOREWORD

INTRODUCTION

This year, the University of Denver College of Law celebrates its centennial. We were unaware when we began law school that we would be honored to graduate in the 100th class. But as members of this year's Executive Board of Editors, we are now publishing the *Review* during the law school's centennial celebrations. As part of the celebrations, the *Review* promises to publish not only two general issues, a symposium and the Tenth Circuit Survey, but also a commemorative, centennial issue. All issues will be special—incorporating ideas or editorial comments from past *Denver University Law Reviews*, publishing lectures presented during the various centennial events and expanding or changing the existing law review format to reflect past or future trends. For instance, in 1982 the *Review* published profiles of the Colorado Supreme Court Justices, authored by their colleagues, prominent attorneys and judges. During this centennial year, we will publish biographical sketches of the Colorado federal and state appellate judges who graduated from the University of Denver College of Law (formerly Westminster Law School).

Another special feature borrowed from a past law review is a series of editorial comments, similar to those previously written by Lowell Noteboom, Editor-in-Chief of the *Review* in 1963. These editorials discuss the value of (1) law reviews and law review membership, (2) student-written case comments and notes and (3) symposiums. Modelled after Mr. Noteboom's, our Editorials provide a new estimation of the value of these endeavors as well as an historical perspective.

THE ARTICLES

Choosing articles for a general issue requires specific, if not somewhat arbitrary, standards. This Issue contains pieces to advance the discussion of issues currently on the forefront of the law. The topics selected for this Issue include (1) a discussion of the prior restraint doctrine pertaining to obscenity cases with a special focus on the rap group 2 Live Crew's confrontation with Florida courts, (2) an analysis of the Secretary of the Interior's current study into the development of the Alaska Wilderness Refuge (3) an interpretation of the "manage or operate" language in the civil Racketeering Influenced and Corruption Organizations Act (RICO), which the United States Supreme Court analyzes this term in *Reves v. Ernst & Young*, and (4) a review of a book for practitioners, co-authored by Professor Emeritus Christopher Munch of the University of Denver College of Law, in the areas of patent, copyright and trademark law.

This Issue also includes three student pieces, all concerning differ-

ent aspects of Colorado law. These articles offer practical information regarding issues pertinent to our home state. In one piece, the author compares the Colorado and Texas deceptive trade practice statutes and suggests how the Colorado statute can be used more effectively without resorting to the draconian measures of the Texas statute. The other two student pieces discuss compelling issues in the criminal defense arena—battered spouses who kill their abusers and deific decree claims in insanity pleas.

The two criminal defense articles discuss the current state of Colorado law in defenses to murder accusations and provide insight into practical application of the existing law. The first piece, a Note on battered spouses, advocates the use of the Colorado self-defense statute and expert testimony regarding the Battered Spouse Syndrome in cases where battered spouses, accused of murdering their abusers, claim self-defense. This Note offers a resolution to the dilemma of allowing the Battered Spouse Syndrome as an independent defense. The Note argues that current Colorado law allows this expert testimony and a self-defense instruction should be given when the jury, not the judge, finds the battered defendant's actions are reasonable. The second piece, a Comment on the recent Colorado Supreme Court decision of *People v. Serravo*, criticizes the decision for not recognizing the deific decree doctrine as an insanity defense. The Comment argues that a deific decree claim should be an independent defense rather than a separate element in the insanity defense.

The *Review* hopes to facilitate the College of Law's centennial celebration by offering a volume of useful scholarship to benefit the legal community and, ultimately, society at large. Finally, we extend special thanks to the members of the *Review* who began work on this Issue during the summer in order to successfully publish prior to the United States Supreme Court decision in the RICO case of *Reves v. Ernst & Young*.

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